

REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicants amend claims 1, 2, 7 and 8 and add new claims 9-14. Accordingly, claims 1-14 are pending in the application.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of the priority documents.

The Examiner is respectfully requested to state whether the drawings are acceptable.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

35 U.S.C. § 103

The Office Action rejects claims 1-7 under 35 U.S.C. § 103 over Lefaux et al., "*Hydrogel Contact Deposition of Polymeric Multilayers*," SPE PROCEEDINGS ON HYDROGEL CONTACT PRINTING, 2001, pg. 2 ("Lefaux"), and claim 8 under 35 U.S.C. § 103 over Lefaux in view of Turner et al. U.S. Patent 5,948,621 ("Turner").

Applicants respectfully submit that all of the claims 1-8 are patentable over the cited art for at least the following reasons.

Claim 1

Among other things, the molecular stamp of claim 1 comprises a patterned gel having at least 20% crosslink density.

The Office Action fairly admits that Lefaux does not disclose a patterned gel having at least 20% crosslink density.

However, the Office Action states that it would be obvious for one of ordinary skill in the art "*to optimize the attained crosslinking density of the stamp.*"

Applicants respectfully disagree.

Applicants rely on at least on the following standards with regard to proper rejections under 35 U.S.C. § 103. First, a rejection on obviousness grounds under 35 U.S.C. § 103 cannot be sustained by mere conclusory statements: instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329,

1336 (Fed. Cir. 2006). See also KSR International Co. v. Teleflex Inc., 550 U.S. 398, 82 USPQ2d 1385, 1396 (2007) (quoting Federal Circuit statement with approval). See M.P.E.P. § 2141(III). Second, there must be a reasonable expectation of success. "*The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.*" M.P.E.P. § 2143.01(III) (citing KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396 (2007)). Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. "*All words in a claim must be considered in judging the patentability of that claim against the prior art.*" M.P.E.P. § 2143.03 (citing In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). An integral part of this analysis requires establishing the level of ordinary skill in the art of invention of claim 1. See M.P.E.P. §§ 2141(II)(C) and 2141.03.

At the outset, Applicants respectfully submit that the Office Action fails to establish the level of ordinary skill in the art of invention. As explained above, this is a fundamental requirement for maintaining a rejection under 35 U.S.C. § 103. Therefore, Applicants respectfully submit that the Office Action does not satisfy the requirements for maintaining rejections of claims 1-8 under 35 U.S.C. § 103.

Furthermore, as also noted above, a rejection on obviousness grounds under 35 U.S.C. § 103 cannot be sustained by mere conclusory statements: instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Here, Applicants submit that there is no evidence in support of the proposed rationale for modifying Lefaux to produce a patterned gel having at least 20% crosslink density. Indeed, Lefaux teaches away increasing the crosslink density, disclosing gels with low levels of concentration of EGDA from 0-2% (see FIG. 3), and specifically stating that "*the rheological properties are observed to be somewhat insensitive to crosslink concentration*" (Lefaux, second page, second column, lines 41-43).

Applicants respectfully submit that there is nothing in the prior art that – absent the teachings of Applicants' own specification – would suggest to one of ordinary skill

that Lefaux's teachings should be modified to provide a patterned gel having at least 20% crosslink density.

Therefore, Applicants respectfully submit that claim 1 is patentable over Lefaux. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn and that claim 1 be allowed.

Claims 2-6 and 8

Claims 2-6 and 8 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

Claim 7

Among other things, the method of claim 7 includes polymerizing a monomer, and crosslinking the polymer with a crosslinker to a crosslinked polymer with a crosslink density of at least 20% to produce the biomolecular stamp having the pattern on the surface thereof.

For similar reasons to those set forth above with respect to claim 1, Applicants respectfully submit that claim 7 is patentable over Lefaux.

Also among other things, the method of claim 7 includes providing a master, applying spacers and a cover glass onto the master; providing onto the master a mixture, and peeling the biomolecular stamp off of the master. Applicants respectfully submit that Lefaux does not disclose any method that includes this combination of features.

Therefore, Applicants respectfully submit that claim 7 is patentable over Lefaux. Accordingly, Applicants respectfully request that the rejection of claim 7 be withdrawn and that claim 7 be allowed.

NEW CLAIMS 9-14

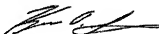
New claims 9-14 depend variously from claims 7 and 8 and are deemed patentable for at least the reasons set forth above with respect to claims 7 and 8, and also for the various novel features recited therein.

CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-14 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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